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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,560	02/24/2005	Benjamin Shanc Lukoszek	5597	9537
26936	7590	11/15/2006		
SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910				
			EXAMINER SWENSON, BRIAN L	
			ART UNIT 3618	PAPER NUMBER

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/525,560	LUKOSZEK, BENJAMIN SHANE	
	Examiner	Art Unit	
	Brian Swenson	3618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-52 is/are allowed.
- 6) ☒ Claim(s) 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Support for “an adjuster” (found in the last sections of Claims 20, 44, and 50) is not found in the originally filed specification. As best understood the “adjuster” is either element 30, disclosed to be an adjustment arm, or element 31, disclosed to be a “pin”.

### ***Claim Objections***

2. Claim 30 is objected to because of the following informalities: Claim 30 improperly depends from itself; Claim 30 should be changed to – The truck assembly of Claim 29 – .

Additionally claim 43 depends from claim 44, is this correct? Or should claim 43 depend from a preceding claim? The claim is correct as written; the examiner raises this point for applicant’s attention, as all other claims depend from preceding claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 29-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 recites the limitation "the support boss" in line 15 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

4. Claims 29-42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to correct the Objections to the Claims and Specification.

5. Claims 43-52 allowed.

The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the indication of allowable subject matter in this case is the inclusion of: a pin for adjusting the rotational position of a boss for a truck for a skateboard where the boss is housed in a mount to allow for pivotal movement of an axle for the truck of the skateboard, in combination with the other elements recited, not found in the prior art of record.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,279,930 issued to Chang et al. teaches of a scooter with a front truck biased with resilient members.

U.S. Patent No. 3,331,612 issued to Tietge teaches of a skateboard truck assembly.

U.S. Patent No. 4,181,316 issued to Brand et al. teaches of a skateboard with resilient truck construction.

U.S. Patent No. 4,886,297 issued to Levine teaches of a fastening structure for a skate handle with a slide plate, as shown in Figure 2.

U.S. Patent No. 6,315,304 issued to Kirkland et al. teaches of an adjustable truck assembly.

U.S. Patent No. 5,513,865 issued to Brooks et al. teaches of a steering assembly for a skateboard.

U.S. Patent No. 4,403,784 issued to Gray teaches of a roller skate assembly.

U.S. Patent No. 4,054,297 issued to Solimine teaches of a steering system for a skateboard.

U.S. Patent No. 5,997,018 issued to Lee teaches of an all terrain sport board.

U.S. Patent No. 6,82,646 issued to Shaw teaches of a steering control mechanism for a scooter.

U.S. Patent No. 5,022,668 issued to Kenny teaches of a system for mounting an axle to a skateboard.

U.S. Patent No. 6,761,369 issued to Anderson teaches of an axle mounting arrangement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS 1/6/06  
bls

Brian Swenson  
Examiner  
Art Unit 3618



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SUPERVISORY PATENT EXAMINER  
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